



PATENT
Attorney Docket No. MSU-06787

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re Application of: James Tiedje *et al.*
Serial No.: 10/073,464
Filed: 02/11/2002
Entitled: Microbial Identification Chip Based On DNA-DNA Hybridization

Group No.: 1645
Examiner:

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX SEQUENCE

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, V.A. 22202

<p align="center">CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: U.S. Patent and Trademark Office, Box Sequence, PO Box 2327, Arlington, VA 22202, on July 23, 2002.</p> <p>By:  James H. Davenport</p>
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Sir or Madam:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted (Form PTO-1533) mailed April 24, 2002 (a copy of which is enclosed), applicants submit the following documents:

- ▶ Executed declaration or oath
- ▶ Assignment document for recording whereby the subject application and the invention disclosed therein is assigned to Michigan State University, 238 Administration Building, East Lansing, Michigan 48824-1046 and a Recordation Form Cover Sheet -- Patents Only (Form PTO-1595)
- ▶ Power of Attorney by Assignee
- ▶ Sequence Listing in paper copy and on a computer-readable diskette
- ▶ Certificate re: Sequence Listing
- ▶ Petition for extension of time for filing within the first month
- ▶ Drawing Sheets (6 pages)
- ▶ Corrected Filing Receipt
- ▶ Preliminary Amendment

Two (2) checks in the total amount of \$160.00 are enclosed herewith to cover:

\$65.00 surcharge for filing missing parts of an application

\$40.00 recordation fee

\$55.00 for filing a one month extension of time

PATENT

Attorney Docket No. **MSU-06787**

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. **08-1290**. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: July 23, 2002



Christine A. Lekutis

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Registration No. P-51,934

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UNITED STATES PATENT AND TRADEMARK OFFICE

SF

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/073,464	02/11/2002	1645	379	MSU-06787	6	21	3

CONFIRMATION NO. 4392

MEDLEN & CARROLL, LLP
Suite 350
101 Howard Street
San Francisco, CA 94105

RECEIVED

APR 29 2002

MEDLEN & CARROLL

FILING RECEIPT



OC00000007945037

Date Mailed: 04/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

James Tiedje, ~~Residence Not Provided;~~ LANSING, MICHIGANJae-Chang Cho, ~~Residence Not Provided;~~ EAST LANSING, MICHIGAN

Assignment For Published Patent Application

Michigan State University;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/296,982 06/07/2001

Foreign Applications

If Required, Foreign Filing License Granted 04/11/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Microbial identification chip based on DNA-DNA hybridization

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/073,464	02/11/2002	James Tiedje	MSU-06787

CONFIRMATION NO. 4392

MEDLEN & CARROLL, LLP
Suite 350
101 Howard Street
San Francisco, CA 94105

FORMALITIES LETTER



OC00000007945038

Date Mailed: 04/24/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the

"Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRE.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE